

ANALYSIS

This ordinance amends Chapter 2.18 of Title 2 - Administration, adds Chapter 20.70 to Title 20 - Utilities, and amends Chapter 20.72 of Title 20 - Utilities of the Los Angeles County Code, to authorize franchise agreements for solid waste handling services in all or part of the unincorporated territory, to update and modify various standards relating to residential solid waste collection services, and to make other technical changes.

OFFICE OF THE COUNTY COUNSEL

By

JUDITH A. FRIES
Principal Deputy County Counsel
Public Works Division

JAF:gm

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ORDINANCE NO. _____

An ordinance amending Chapter 2.18 of Title 2 - Administration, adding Chapter 20.70 to Title 20 - Utilities, and amending Chapter 20.72 of Title 20 - Utilities of the Los Angeles County Code to authorize franchise agreements for solid waste handling services in all or part of the unincorporated territory, to update and modify various standards relating to residential solid waste collection services, and to make other technical changes.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 2.18.015 of Title 2 - Administration is hereby amended to read as follows:

2.18.015 Director of public works -- Powers and duties generally.

In addition to the functions, duties, and responsibilities specified by the Charter of the county and by state statute or ordinance, and except as otherwise provided in this chapter, the director of public works also shall have the duties specified in this section:

A. Upon order of the board of supervisors to do all necessary investigation, surveying, and engineering work relative thereto, and to prepare plans, specifications, and estimates, and perform inspection, supervision, and construction of public works, such as county roads, highways, bridges, harbor, beach and coastal improvements, airports and aviation facilities, and water, sewer, and drainage systems, including acquisition of right-of-way and reimbursement processing, as the county of

Los Angeles is authorized by law to construct, or for which the county is authorized by law to prepare such plans, specifications, or estimates, or furnish such inspection, surveying, or supervision, excepting such of said public works as are placed by law under the jurisdiction of some other county officer or department, or are otherwise expressly delegated by the board of supervisors;

B. In accordance with procedures established by the board, to perform the necessary studies, investigations, and other work relative to special assessment improvement districts, including the duties set forth in Chapter 15, Division 7, of the Streets and Highways Code;

C. To observe and enforce all of the provisions of the following ordinances: Ordinance 2225 (Building Code--Title 26); Ordinance 11096 (Electrical Code--Title 27); Ordinance 2269 (Plumbing Code--Title 28); Ordinance 6130 (Sanitary Sewers and Industrial Waste--Title 20, Division 42); Ordinance 7834 (Water--Title 20, Division 1); Ordinance 7888 (Sewer Maintenance--Title 20, Division 3); and Ordinance 9544 (Mechanical Code--Title 29), as set forth in this code;

D. To observe and enforce all of the provisions of the following ordinances: Emergency Ordinance (Title 2, Division 3, Chapter 2.68); Catastrophes (Title 2, Division 4, Chapter 2.130); Traffic Ordinance (Title 15, Division 1); Miscellaneous Traffic Regulations (Title 15, Division 2); Highway Permit Ordinance (Title 16, Division 1); Undergrounding of Utilities Ordinance (Title 16, Division 2); Basic Franchise Ordinance (Title 16, Division 3); Pipeline Franchise Ordinance (Title 16, Division 3A, Chapters 16.52 and 16.54); Cable Television System Franchise Ordinance

(Title 16, Division 4); Subdivision Ordinance (Title 21); Zoning Ordinance (Title 22), as set forth in this code;

E. Under the supervision and direction of the board, to perform the duties of superintendent and engineer for all work, duties, or responsibilities under Chapter 27 of Part 3 of the Improvement Act of 1911; all county waterworks districts formed under Division 16 of the Water Code; for all county sewer maintenance districts formed under Division 5 of the Health and Safety Code; for all county drainage maintenance districts formed under Division 7 of the Streets and Highways Code; and for all lighting districts formed under Statutes of 1909, page 551, or the Highway District Lighting Act, Part 4, Division 14 of the Streets and Highways Code; for all assessment districts formed under Part 2, Division 15 of the Streets and Highways Code; and for all lighting maintenance districts formed under Statutes of 1921, page 1658 or Chapter 26 of Part 3 of the Improvement Act of 1911, Division 7 of the Streets and Highways Code, and operating under said Chapter 26. The director of public works, through the purchasing agent of the county and upon requisition, shall procure the purchase of all materials and supplies for the said districts. The cost thereof shall be paid out of the funds of the respective districts;

F. To design, construct, manage, operate, and negotiate necessary leases for all facilities and fields owned and operated by the county for the purpose of serving aviation;

G. To study and make recommendations to the board concerning the regulation and development of aviation, including proposals for the enlargement of existing facilities, or the addition of new facilities to adequately service the aviation industry, and concerning programs for the promotion and growth of aviation;

H. To grant licenses and permits for the storage of aircraft at county-owned or operated airports if the estimated or actual compensation passing to the county for the license or permit is \$5,000.00 or less per month, and if the term of the license or permit is on a month-to-month basis;

I. Under the supervision and direction of the board of supervisors, to negotiate procedural agreements with the utilities for ultimate board approval, to review the petition sign-up for the executive officer of the board of supervisors as required for the conversion of existing overhead electric and communications facilities to underground locations pursuant to the provisions of Chapter 28 of Division 7 of the Streets and Highways Code of the state of California;

J. To perform the duties of the road commissioner under the Streets and Highways Code. The director shall divide all the unincorporated territory in the county and such incorporated territory in the county as may be under the jurisdiction of the county for road purposes, into administrative districts to be known as road districts. In the construction, repair, reconstruction, or relocation of highways, or in the construction, repair, or modernization of traffic signal systems, the director may salvage, junk, or abandon such traffic-control, warning, or protecting signs and devices, and appurtenant material as have been rendered unnecessary by said work. The director

shall account for all such articles in his records, and shall account for and report them to the auditor-controller in such manner and on such forms as are prescribed by the auditor-controller;

K. To encourage the planting of trees, shrubs, and flowers along the untraveled portion of public highways, and to decide upon the variety, kind, and character of trees, hedges, shrubs, lawns, and flowers that shall be planted upon the public highways; to determine all questions respecting the pruning, cutting, and removal of any trees, hedges, shrubs, lawns, or flowers now growing or to be grown thereon, and the necessity therefor and the extent of and the manner in which such work is to be done, and to plant and properly care for such trees, hedges, shrubs, lawns, and flowers, and to enforce the provisions of all ordinances, making certain acts with respect to trees on county roads unlawful and authorizing the issuance of permits to remove or otherwise interfere with trees or other plant life growing upon public highways within the county of Los Angeles;

L. To perform all functions, duties, and responsibilities in his capacity as director of public works, county engineer, road commissioner, or chief engineer of the Flood Control District now or hereafter delegated by this code, or any other ordinance of the county, by the Charter or by any state statute. In addition, the director and members of the department may perform the functions of a district or other public entity as authorized by the board pursuant to Section 56 3/4 of the Charter;

M. To administer and negotiate for the board of supervisors all transactions pertaining to acquisitions, sales, dedications, leases, or rentals of real property, or any interest therein under the administrative control of the director, as well as property interests of the county or its special districts or entities for which the board of supervisors is the ex officio governing body. Where such property is being acquired by eminent domain by the county or by any public entity of which the board of supervisors is ex officio the governing body, if requested to do so by the county counsel, the director may assist in negotiations for settlement and in the service of papers. The director shall, upon order of the board, make appraisals and reports thereon of such real property proposed to be acquired or sold by the county and may make title searches in any matters in which the county, or any department or any public entity of which the board of supervisors is the ex officio governing body may be officially interested. The director may, at his discretion, cause the duties and responsibilities imposed by this subsection to be performed by other county officers or departments;

N. To act as the lead county officer for waste management and transportation issues. The director shall be responsible for advising the board of supervisors on all matters of countywide concern relating to waste management and transportation. The director shall have the primary responsibility for coordinating and implementing all policies adopted by the board of supervisors in the area of waste management and transportation except as otherwise provided by state or federal law or by order of the board of supervisors;

O. To develop and implement the county's waste management program, including the authority to: ~~administer, prepare, adopt,~~ maintain, and implement the Los Angeles County ~~Solid Waste Management Plan (CoSWMP)~~ Countywide Integrated Waste Management Plan (CoIWMP); periodically review and update the ~~CoSWMP~~ CoIWMP with the assistance of the ~~county solid waste management committee~~ Los Angeles County integrated waste management task force; prepare the Los Angeles County Hazardous Waste Management Plan (CoHWMP) with the assistance of the county hazardous waste advisory committee; administer, maintain, and implement the CoHWMP; and make recommendations to the board of supervisors for the award of nonexclusive, partially exclusive, or wholly exclusive franchises for solid waste handling, as defined in section 40195 of the Public Resources Code and pursuant to the provisions of section 40059 of the Public Resources Code, in any part of the unincorporated territory of the county;

P. To oversee planning for the coordination of transportation needs within the unincorporated areas of the county, including the authority to: develop and maintain the county's highway system; develop traffic mitigation measures to maximize movement of vehicles throughout the county; develop countywide measures to maximize utilization of existing highways, provide uniform operation and maintenance of traffic signals; review the transportation components of preliminary community general plans; and provide public transit services for the unincorporated areas of the county, exclusive of the Southern California Rapid Transit District service;

Q. To negotiate and execute leases for real property, or interests therein, under the administrative control of the director, including properties of the county of Los Angeles, the Los Angeles County Flood Control District, and other special districts for which the board of supervisors is the ex officio governing body, when such leases are excluded from the bidding procedures pursuant to this section. The taking of bids is not required in the cases of leases of a duration not exceeding 10 years and having an estimated rental value of not more than \$5,000.00 per month. Where the bidding procedure is not used, the monthly rental in the executed lease shall not exceed \$5,000.00 per month, the term of the lease shall not exceed 10 years, and the term of the lease is not renewable. On properties acquired for highway purposes, the term of the lease may not exceed three years, and a notice of intention must be posted as required under the provisions of Section 960.6 of the Streets and Highways Code;

R. To negotiate and execute rental agreements for real properties under the administrative control of the director, including properties of the county of Los Angeles, Los Angeles County Flood Control District, and other special districts for which the board of supervisors is the ex officio governing body, where the term is from month-to-month or for a fixed term of less than one year with a monthly rent of not more than \$5,000.00 per month;

S. Pursuant to Government Code Section 25537, to grant licenses or permits to persons, firms, corporations, cities, districts, and public agencies for the use of properties under the administrative control of the director, including properties of the county of Los Angeles, Los Angeles County Flood Control District, and other special

districts for which the board of supervisors is ex officio governing body, provided the compensation for such licenses and permits does not exceed \$5,000.00 per month;

T. Pursuant to Government Code Section 25350.51, the director is authorized to lease real property for use by the department of public works for a term not to exceed three years and for a rental not to exceed \$7,500.00 per month, and to amend real property leases for improvements or alterations, or both, with a total cost not to exceed \$7,500.00, provided that the amendment does not extend the term of the lease and that no more than two amendments, not to exceed \$7,500.00 each, are made within a 12-month period. Notice of intention to consummate such a lease shall be provided as required by Section 25350.51 of the Government Code;

U. Easements. Pursuant to the authority granted by ~~California~~ Government Code Section 25526.6, the director is authorized to grant or otherwise convey an easement for the use of any real property of the county to the state or to any county, city, district, or public agency or corporation, or to any public utility corporation upon a finding by the director that the conveyance is in the public interest, and that the interest conveyed will not substantially conflict or interfere with the use of the property by the county.

V. Nothing in this section shall prohibit the director from causing another county officer or department to acquire, lease, sell, or obtain or grant permits or licenses for the use of properties by the department of public works, or for the use of properties under the jurisdiction of the department of public works pursuant to the provisions of any state law or the County Code.

W. Except as otherwise expressly delegated by the board of supervisors, the director shall prepare or cause to be prepared all plans and specifications for the construction of, or extraordinary repair and maintenance, as defined by the chief administrative officer, of any and all county buildings, and related structures, improvements, or fixed equipment, except as otherwise provided by law; and shall supervise and inspect for contract and code compliance the construction of or extraordinary repair and maintenance of any and all county buildings and related structures, improvements, or fixed equipment, where such work is done pursuant to contract let by the county. The director shall report to the board of supervisors any work not done in accordance with the contract, the plans and specifications, or the applicable codes. Upon completion of such work in accordance with the terms of the contract and the plans and specifications, the director shall cause the contractor to issue a certificate in writing certifying that the work has been done in accordance with the contract and the plans and specifications. The board of supervisors may designate specific projects solely or predominantly involving a single department to be managed by that department. In such cases, the department head must employ the public works department or competent contract project management; the construction documents shall be approved by the public works department for compliance with applicable codes and county-wide design review standards for quality, durability, facility of maintenance and repair, and life cycle cost; and all construction shall be inspected for code compliance by public works department inspectors. The department head shall provide

the director with such information as he requires to maintain county-wide coordination and reports to the board of supervisors.

X. Except as otherwise expressly delegated by the board of supervisors, the director shall coordinate and administer the relocation assistance program of the county as set forth in Chapter 2.110 of this code; upon the order of the board of supervisors, make appraisals and reports thereon of real property proposed to be acquired or sold by the county; and make title searches in any matters in which the county, or any department or officer thereof, as such, may be officially interested.

SECTION 2. Chapter 20.70 is added to Title 20 - Utilities to read as follows:

Chapter 20.70

20.70.010 Purpose of provisions.

20.70.020 Award of franchise.

20.70.030 Permits required.

20.70.040 Violations -- Civil penalty.

FRANCHISE REQUIREMENTS FOR SOLID WASTE HANDLING SERVICES

20.70.010 Purpose of provisions.

The state legislature has found and declared that the amount of solid waste generated in the state of California, coupled with diminishing landfill space and potential adverse environmental impacts from landfilling, have created a need for local agencies

to enact and implement aggressive new integrated waste management programs. Through enactment of the California Integrated Waste Management Act of 1989, the state has directed agencies such as the county to divert fifty percent of all solid waste from disposal, based on the levels of solid waste generated in 1990, subject to adjustments for certain demographic and economic factors, through source reduction, recycling, and composting of solid waste.

The purpose of this chapter is to provide for solid waste handling franchises in selected areas of the unincorporated county as authorized pursuant to section 40059 of the Public Resources Code, to assist the county in achieving compliance with the state's waste diversion requirements, and to improve the quality and efficiency of solid waste handling services.

20.70.020 Award of franchise.

The board of supervisors may, based upon the recommendation of the director of public works pursuant to Section 2.18.015 of this code, find that the public health, safety, and welfare require that the county award a nonexclusive, partially exclusive, or wholly exclusive franchise for certain solid waste handling, as defined in section 40195 of the Public Resources Code, for any given geographic area of the unincorporated territory of the county. Should the board of supervisors thereby award such franchise(s), such solid waste handling services must be provided in compliance with all terms and conditions imposed by the board of supervisors for the franchise.

20.70.030 Permits required.

Nothing in this chapter relieves any provider of solid waste handling services from the requirement to obtain and maintain a waste collector permit pursuant to Section 20.72.020 of this code or any other permit otherwise required for the provision of such services.

20.70.040 Violations -- Civil penalty.

A violation of this chapter constitutes an infraction. Any person who conducts solid waste handling services in violation of this chapter shall be subject to a civil penalty in the amount of \$100 for the first violation, \$200 for the second violation of this chapter within twelve months after the first violation, and \$500 for each additional violation of this chapter within twelve months after the first violation. Each day that a person fails to comply with this chapter shall constitute a separate violation.

SECTION 3. Section 20.72.060 of Title 20 - Utilities is hereby amended to read as follows:

20.72.060 Service in franchise areas -- Limitations.

Should the county at any time ~~board of supervisors~~ award an nonexclusive, partially exclusive, or wholly exclusive franchise for ~~the collection, disposal or destruction of solid waste~~ handling services pursuant to ~~the provisions of Sections 4200 to 4204 of the Health and Safety Code~~ Chapter 20.70 of this code, then no holder of a ~~permit issued hereunder,~~ person other than the ~~franchise~~ holder of such a franchise, shall thereafter be permitted to ~~may~~ provide services covered by such franchises such

solid waste handling services within the granted exclusive franchise area, ~~provided that~~
~~in the event of such an occurrence, there shall be compliance with the provisions of~~
~~Sections 4270 to 4273 of the Health and Safety Code, except as may be provided~~
otherwise by the board of supervisors.

SECTION 4. Section 20.72.080 of Title 20 - Utilities is hereby amended to read
as follows:

**20.72.080 ~~Standard~~Minimum requirements for residential solid-waste
collection services described.**

A. ~~Waste~~Unless otherwise provided by the terms of a franchise
awarded pursuant to Chapter 20.70 of this code for solid waste handling services or by
the terms of a contract between a garbage disposal district and a waste collector, waste
collectors providing residential ~~solid waste~~solid waste collection services shall collect
solid waste at least once each week from property owners or ~~tenants~~occupants who
have paid for such services, and such collection shall comply with the location
requirements of Section 20.72.100 and with the following additional requirements:-

1. ~~Solid waste shall be collected from containers having a
capacity of not less than five gallons nor more than 45 gallons. Each container,
together with its contents, shall not weigh over 70 pounds.~~Waste collectors shall collect
all solid waste placed inside containers that comply with the applicable requirements for
containers and their contents set forth in subsections A and B of Section 20.72.090.

~~2. Solid waste in bundles shall be collected, provided that each bundle is tied and does not exceed four feet in length or weigh over 70 pounds.~~

~~32. Dirt, rock, brick, pasteboard, roofing paper and similar building materials shall be collected, provided that they be limited to no more than two containers or bundles not exceeding 70 pounds each in weight each week.~~Waste collectors shall collect all construction or demolition debris, including items such as dirt, rock, brick, pasteboard, roofing paper, and similar building materials, placed in containers or bundles that comply with the applicable requirements set forth in subsection C of Section 20.72.090. Waste collectors providing automated collection services may charge additional fees and/or require advance notice for providing this service.

~~43. Single bulky items of solid waste or items not in containers shall be collected, provided that no item exceeds four feet in length or weighs over 70 pounds.~~Waste collectors shall collect bulky items set out for collection that are not reasonably susceptible to being placed in waste containers or bundles, including stoves, refrigerators, furniture, water heaters, and other similar items. Waste collectors may charge additional fees and/or require advance notice for providing this service.

~~54. Cardboard or empty cardboard boxes shall be collected and not returned to property owners or tenants.~~Waste collectors shall collect all yard waste, not reasonably susceptible to being placed in waste containers, that is placed in bundles that comply with the requirements of subsection D of Section 20.72.090.

Waste collectors providing automated collection services may charge additional fees and/or require advance notice for providing this service.

~~6. Bulky household items such as stoves, refrigerators, furniture, water heaters and similar material shall be collected. This service may be subject to additional fee and/or advance notification requirements established by the waste collector.~~

B. The ~~standard~~ requirements for solid waste collection services described herein only prescribes a minimum level of service, and does not preclude a waste collector from providing or agreeing to provide additional solid waste collection services or a higher level of service.

SECTION 5. Section 20.72.090 of Title 20 - Utilities is hereby deleted in its entirety.

SECTION 6. Section 20.72.090 of Title 20 - Utilities is hereby added to read as follows:

20.72.090 Weight and dimension limitations and other requirements for containers and bundles for residential solid waste collection services.

A. Except as otherwise provided by subsection C below, only containers that are provided by the residential waste collector and that comply with the requirements for such containers and their contents provided for in any agreement

between the waste collector and the affected property owner or occupant shall be set out for automated collection by a residential waste collector.

B. No container set out for manual collection by a residential waste collector shall weigh more than 70 pounds, including contents.

C. Any construction and demolition debris, such as dirt, rock, brick, pasteboard, roofing paper, and similar building materials, set out for collection by a residential waste collector shall be placed, in any given week, in not more than two containers or two securely tied bundles, or one of each. Each container shall not exceed 70 pounds in weight, including contents, and each bundle shall not exceed four feet in length and 70 pounds in weight.

D. Any yard waste set out for collection by a residential waste collector that is not reasonably susceptible to being placed in waste containers, such as vegetative cuttings, shrubs, branches, and similar materials, shall be placed in bundles. Each bundle shall be securely tied and shall not exceed four feet in length and 70 pounds in weight.

E. Residential waste collectors are not required to collect solid waste set out for collection in containers or bundles that do not comply with the applicable requirements set forth in subsections A through D, above.

SECTION 7. Section 20.72.100 of Title 20 - Utilities is hereby amended to read as follows:

20.72.100 Containers -- Location for pickup by residential waste collectors
-- Conditions.

A. Residential waste collectors may agree with property owners or occupants of a dwelling or other building to collect refuse from the rear yard or other portion of the property. The enforcement agency may direct the waste collector to collect wastes from a particular location on or near the property. The residential waste collector shall collect all solid waste in the manner agreed upon with the affected property owner or occupant ~~or in the manner~~ unless otherwise directed by the enforcement agency. ~~However, in~~ In the event the residential waste collector has no such agreement with the property owner or occupant ~~and~~ is not otherwise directed by the enforcement agency, ~~the residential waste collector~~ shall collect all solid waste set out for collection from the curb along the street in front of each dwelling or other building, or from the paved alley only if the solid waste is deposited at the rear property line.

B. Residential waste collectors shall not be required to collect from an unpaved alley at the rear of a property or from:

1. A blind alley;
2. An alley less than 15 feet wide;

3. An alley which is "L" or "T" shaped and not wide enough to be safe for the waste collection truck to turn without damage to the truck or to adjacent improvements on private property; or

4. An alley the surface of which could endanger the safety or the convenient operation of the trucks at all seasons of the year.

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